

Imposition of quotas on single-journey permits for road haulage between Turkey and Germany does not breach European law.

The applicants opposed the imposition of quotas on single-journey permits for road haulage between Turkey and Germany. Based in Turkey, the applicant operates its own haulage vehicles and employs drivers to transport vehicle parts for final assembly to the factory of a subsidiary located in Germany. To this end, it requires each year more journeys than the quota of single-journey permits allocated to Turkish hauliers.

Following an unsuccessful application to the Administrative Court, the applicants brought a direct appeal before the Federal Administrative Court, which rejected it. They could not invoke an infringement of the freedom to provide services. Admittedly, according to the EEC-Turkey Association Agreement concluded in 1963, the restrictions on the freedom to provide services were supposed to have been abolished, but the Association Council has yet to adopt resolutions to this effect. Furthermore, there is no breach of the „standstill clause“ of Article 41(a) of the Additional Protocol to the Association Agreement as alleged by the applicants.

Even if, at the date of entry into force of the Additional Protocol on 1 January 1973, there were no quotas for road haulage from Turkey to Germany, the subsequent introduction on the basis of the bilateral agreement with Turkey does not lead to a breach of Article 41(a)(1) of the Additional Protocol. The standstill clause is itself restricted by the prohibition of more favourable treatment under Article 59 of the Additional Protocol.

Until January 1993, intra-Community road haulage was also subject to quotas. The subsequent removal of these quotas did not have to be applied to the relationship with Turkey as the standstill clause creates an obligation that simply amounts to a duty not to act, according to the case-law of the European Court of Justice.

Finally, the Court dismissed the objection raised by the applicants that the imposition of quotas on single-journey permits would unduly restrict the free movement of goods. Free movement of goods was not a standard of review as it is of lower ranking than the freedom to provide services, which is at the centre of the case.